

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL OF A REQUEST FOR AN EASEMENT OF APPROXIMATELY SIXTEEN (16) SQUARE FEET, MORE OR LESS, AT A PROPERTY LOCATED AT 430 GREENE STREET, IN ORDER TO ACCOMMODATE AN EXISTING BOOTH USED FOR RETAIL PURPOSES ENCROACHING ON THE GREENE STREET RIGHT-OF-WAY IN THE HRCC-1 HISTORIC RESIDENTIAL COMMERCIAL CORE ZONING DISTRICT, PURSUANT TO SECTION 2-938(B)(1) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That an Easement to allow for the continued encroachment onto City right-of way as described on the survey prepared by Eric A. Issacs, dated September 5, 2024, is granted subject to the execution of the attached Easement agreement and further subject to the minimum conditions described in Section 2 below.

Section 2: That the following conditions shall apply to the granting of the easement:

1. The Easement shall allow for the existing encroachments as depicted on the survey prepared by Eric A. Issacs, dated September 5, 2024. Additional or future encroachments shall require an amendment of this easement in accordance with Sec. 2-938 of the City Code.
2. The City may unilaterally terminate the easement upon a finding of public purpose by vote of the Key West City Commission.
3. The Grantee shall pay the annual fee as specified in Section 2- 938 (b)(1) of the City

Code.

4. Grantee shall irrevocably appoint the City Manager as its agent to permit the removal of the encroachment if the annual fee required by the Code of Ordinances is not paid.
5. Prior to the easement becoming effective, the Owners shall obtain Commercial General Liability insurance that extends coverage to the property that is governed by this easement with limits of no less than \$300,000.00 or the liability limits prescribed in F.S. 768.28, whichever is greater. Coverage must be provided by an insurer authorized to conduct business in the State of Florida and with terms and conditions consistent with the latest version of the Insurance Service Office's (ISO) latest filed Commercial General Liability form. Grantees shall furnish an original Certificate of Insurance indicating, and such policy providing coverage to, City of Key West named as "Additional Insured" or "Additional Interest".
6. The easement areas shall not be used in site size calculations such as lot, yard, and bulk calculations for site development.
7. The City reserves the right to construct surface or sub-surface improvements within the easement areas.
8. To the fullest extent permitted by law, the Grantee expressly agrees to indemnify and hold harmless the City of Key West, their respective officers, directors, agents, and employees (herein called the "indemnitees") from any and all liability for damages caused by or resulting from the Grantee's improvement in the easement area.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the

Commission.

Passed and adopted by the City Commission at a meeting held this ____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Danise Henriquez _____

Vice Mayor Lissette Carey _____

Commissioner Aaron Castillo _____

Commissioner Monica Haskell _____

Commissioner Mary Lou Hoover _____

Commissioner Sam Kaufman _____

Commissioner Donald "Donie" Lee _____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK